The Denial of Homosexuality: Same-Sex Incidents in Himmler's SS and Police

Author(s): Geoffrey J. Giles

Source: *Journal of the History of Sexuality*, Jan. - Apr., 2002, Vol. 11, No. 1/2, Special Issue: Sexuality and German Fascism (Jan. - Apr., 2002), pp. 256-290

Published by: University of Texas Press

Stable URL: https://www.jstor.org/stable/3704558

JSTOR is a not-for-profit service that helps scholars, researchers, and students discover, use, and build upon a wide range of content in a trusted digital archive. We use information technology and tools to increase productivity and facilitate new forms of scholarship. For more information about JSTOR, please contact support@jstor.org.

Your use of the JSTOR archive indicates your acceptance of the Terms & Conditions of Use, available at https://about.jstor.org/terms

University of Texas Press is collaborating with JSTOR to digitize, preserve and extend access to *Journal of the History of Sexuality*

This content downloaded from 132.174.250.143 on Wed, 12 Jan 2022 04:40:14 UTC
All use subject to https://about.jstor.org/terms

The Denial of Homosexuality: Same-Sex Incidents in Himmler's SS and Police

GEOFFREY J. GILES

University of Florida

IN PUBLIC, Heinrich Himmler minimized the existence of same-sex sexuality within the elite Schutzstaffel (SS). "In the whole of the SS there occur about eight to ten cases per year," Himmler announced to his senior SS generals in February 1937, clearly satisfied that the "problem" of homosexuality was almost solved. Soon he hoped to reduce the number further by sending miscreants to concentration camps and having them "shot while trying to escape." Their fate would serve as a dire warning.[1] Himmler's estimate of the prevalence of homosexuality in the ranks of the SS was hardly accurate. In the city of Leipzig alone, four SS men were arrested for homosexual offenses in 1937 and 1938.[2] Burkhard Jellonnek's calculation that 57 percent of those arrested in Düsseldorf on such charges during the Third Reich belonged to one or another Nazi organization makes it likely that there were SS men among them, too.[3] In 1940, sixteen cases of homosexuality were brought before the internal SS courts, and in

The writing of this essay was made possible by the generous support of the Shapiro Senior Scholar-in-Residence Fellowship at the Center for Advanced Holocaust Studies, United States Holocaust Memorial Museum, Washington, D.C. Research for it also benefited from earlier fellowships from the Alexander von Humboldt Foundation, the German Marshall Fund of the United States, and the Division of Sponsored Research at the University of Florida.

[1]Günter Grau, ed., *Homosexualität in der NS-Zeit: Dokumente einer Diskriminierung und Verfolgung* (Frankfurt, 1993), 246.

[2]Ibid., 184.

[3]If we project onto Düsseldorf Jellonnek's finding of 4.8 percent SS members among Nazis charged in the rural Palatinate district of Speyer, we would arrive at a total of only six SS men for Düsseldorf for the whole period. Yet homosexual circles were more active in the city, as were the police entrapment schemes, so the numbers were probably higher. Jellonnek does not offer details of Nazi affiliation, however. See Burkhard Jellonnek, *Homosexuelle unter dem Hakenkreuz: Die Verfolgung von Homosexuellen im Dritten Reich* (Paderborn, 1990), 212, 318. See also the recent criticism by Frank Sparing of the very limited nature of Jellonnek's sample in ". . . *wegen Vergehen nach §175 verhaftet": Die Verfolgung der*

Journal of the History of Sexuality, Vol. 11, Nos. 1/2, January/April 2002
© 2002 by the University of Texas Press, P.O. Box 7819, Austin, TX 78713-7819

This content downloaded from
132.174.250.143 on Wed, 12 Jan 2022 04:40:14 UTC
All use subject to https://about.jstor.org/terms

the first quarter alone of 1943, no fewer than twenty-two convictions were recorded.[4] Richard Plant's proposition, that from the time of the Röhm Purge, "no halfway intelligent gay was likely to join the homophobic SS," seems to stand confounded.[5]

While these figures are modest when compared to the thousands of ordinary Germans convicted every year by Nazi courts for homosexual offenses, it is nonetheless instructive to focus on the incidence of such "crimes" in the SS and police. The SS was the organization meant to embody the highest National Socialist values, and it played a central role in the most public homosexual scandal of the entire regime, the murder of the chief of staff of Hitler's Sturmabteilung (SA), Ernst Röhm. As the leader of the SS and the police, Himmler himself deserves special attention. His speeches and writings dealt more obsessively with homosexuality than did those of any other Nazi leader, and his comments were broadly consistent in their sharp condemnation of homosexuality. On several documented occasions between 1934 and 1943, Himmler spoke or wrote of the acceptability, even the desirability, of killing homosexuals. However, the actual disciplining of suspected homosexuals in the SS and other organizations under Himmler's control was far from uniform or consistent. Since punishment for those convicted of homosexuality did not become increasingly severe, even after the legal enactment in November of 1941 of capital punishment for such offenses among the SS and police, the model of "cumulative radicalization" does not accurately describe Nazi policy on homosexuals. The precise nature of the offense was no predictor of the outcome of a trial. SS courts did not usually make snap judgments but weighed the evidence quite carefully and sometimes approached the evidence with a little common sense. When the death penalty was prescribed, appeals against the sentence were occasionally successful. Even Himmler's own position vacillated: while he was all for summary justice in 1943, he showed at least partial lenience in the winter of 1945 by sending convicted men to the front to prove themselves instead of ordering their executions. This essay suggests why he made such decisions at particular moments and examines them in the broader context of wartime policy and cultural fears.

Düsseldorfer Homosexuellen während des Nationalsozialismus (Düsseldorf, 1997), 10, which should not be allowed to negate Jellonnek's overall assessment, however.

[4]Himmler carefully highlighted the cases of homosexuality in the monthly SS crime statistics with the familiar green pencil that only he was permitted to use. See Burkhard Jellonnek, "Himmlers Sturmstaffel [*sic*] (SS) als Beispiel nationalsozialistischer Homosexuellenverfolgung" (unpublished paper, 1988), 14–15.

[5]Richard Plant, *The Pink Triangle: The Nazi War against Homosexuals* (Edinburgh, 1987), 143.

This content downloaded from
132.174.250.143 on Wed, 12 Jan 2022 04:40:14 UTC
All use subject to https://about.jstor.org/terms

In a recent article, Peter von Rönn posits an orderly, logical, and consistent development of Himmler's responses to same-sex sexuality. His argument parallels the intentionalist thesis of Hans-Georg Stümke, who saw the central reason for the Nazi persecution of homosexuals as the regime's obsession with boosting population growth. However, I contend that this explanation is only partial.[6] Von Rönn sees a decisive shift to a political problematization of homosexuality and interprets Himmler's efforts as part of his attempt to extend his power. Von Rönn claims that the "central document" marking the shift to treating homosexuality as a purely political problem was the article "Das sind Staatsfeinde!" (These are enemies of the state!) published in the SS newspaper in March 1937.[7] Yet the decisive moment had surely come almost three years earlier with the Röhm Purge.[8] There is no question that after June 30, 1934, Himmler's political stock soared decisively and that his immediate subordinates worked shrewdly in the coming years to consolidate the SS and police empire. Von Rönn also oversimplifies the situation by asserting that after 1937 the etiology of homosexuality was a question of only subsidiary interest.[9]

[6]Hans-Georg Stümke, *Homosexuelle in Deutschland: Eine politische Geschichte* (Munich, 1989), 92–95. Curiously, von Rönn does not address Stümke's work directly.

[7]Peter von Rönn, "Politische und psychiatrische Homosexualitätskonstruktion im NS-Staat," *Zeitschrift für Sexualforschung* (June/September 1998): 99–129, 220–60, quote from 119–20. The article in question was one of several in the SS mouthpiece: "Das sind Staatsfeinde!" *Das schwarze Korps*, March 4, 1937, and its position as "das zentrale Dokument zur Neuformulierung des nationalsozialistischen Homosexuellenbildes" is debatable, to say the least.

[8]In a chapter in my forthcoming book on homosexuality and the Nazis, I have looked at the rhetoric that accompanied the Röhm Purge and concluded that it was Goebbels, not Himmler or Hitler, who brought suggestions of a homosexual orgy into the picture. The propaganda minister's comments that the scene was literally nauseating to a normal person like him were meant to titillate the reader into imagining that some incredibly perverse sex acts were going on. "Spare me," said Goebbels in his radio speech on the evening of July 1, 1934, "from describing the disgusting scenes that almost made us throw up." Hitler himself was generally more restrained about the sexual aspect (though he strongly and quite mendaciously suggested that Röhm had a predilection for teenage Hitler Youths) and reserved his real explosion of anger for his (also mendacious) accusations of Röhm's treason and disloyalty. See "Das Reich steht—und über uns der Führer. Rede des Reichsministers Dr. Goebbels in Düsseldorf," *Völkischer Beobachter*, Ausgabe A, July 3, 1934.

[9]Von Rönn (220–49) devotes rather more time to the psychiatrist, Professor Hans Bürger-Prinz, than he perhaps merits, seeing him as one of the principal spokesmen on homosexuality in the Third Reich. The professor was certainly an aggressively ambitious self-promoter who cultivated the support of the Nazi Party leadership in Hamburg. His intentional twisting of data to suit his Nazi masters is thus plausible. But his standing in the profession is another matter; his colleagues on the University of Hamburg medical faculty found him so impossible that they voted unanimously to have him removed as dean in the flnal months of the war. See Beschwerde der medizinischen Fakultät gegen Professor Bürger-Prinz, Staatsarchiv Hamburg, University of Hamburg Archives D.110.20.32/3. Von Rönn assigns other scholars in the vigorous debate over the nature of homosexuality to a subsidiary position, and he considers their work simply in its relationship to that of Bürger-Prinz, but see also Geoffrey J. Giles, "'The Most Unkindest Cut of All': Castration, Homosexuality, and Nazi Justice," *Journal of Contemporary History* (January 1992): 41–61.

This content downloaded from
132.174.250.143 on Wed, 12 Jan 2022 04:40:14 UTC
All use subject to https://about.jstor.org/terms

The record of Nazi persecution of men accused of being homosexuals is complex. To the very end of the war, Himmler's police "experts" on homosexuality expended an enormous amount of energy on etiological questions, conducting ludicrously detailed investigations into the personal and medical backgrounds of prisoners' childhoods. Himmler himself was deeply interested in the medical-biological questions surrounding homosexuality and showed a keen interest in Dr. Carl Vaernet's appalling medical experiments on homosexual inmates at Buchenwald.[10] For Himmler, homosexuality was a multifaceted problem, one that was not, in his eyes, a straightforward racial issue. This standpoint occasionally allowed for his flexible treatment of suspected homosexuals, such as scaling back police intervention during the 1936 Berlin Olympics and prohibiting unauthorized arrests of actors and artists in 1937.[11] Antihomosexual policy, which in broad terms was embraced by the majority of the population, was a less rigid ideological tenet than the regime's unyielding opposition toward the Jews. While no Jews were officially tolerated in the army or even in German society, for practical and sometimes necessary reasons men under suspicion of being homosexuals were accepted and retained in the ranks of the armed forces. In my research, I have found no evidence of a programmatic decision to institute a "gay Holocaust."

The Roots of Problematization

Some commentators have suggested that homosexuality flourished within the ranks of the SS, but that is an exaggeration. Such sensationalist accounts reflect a long-lived topos of German exile literature, in which writers (Bertolt Brecht among them) attempted to vilify the Nazi movement by painting it as riddled with homosexuals.[12] The present essay is not so much concerned with counting the frequency of offenses as with understanding their implications. The number of SS members apprehended on charges of homosexuality is small, especially given the constantly burgeoning size of Himmler's private army. Yet the cases are significant, since the way they were treated can help us to understand how the Nazi leadership perceived and dealt with sexuality. There was an inherent contradiction

[10]"Dr. Vaernet bitte ich absolut großzügig zu behandeln," ordered Himmler in November 1943, and the doctor continued his hormonal implants, often with fatal results, until he fled from Buchenwald early in 1945 to save his own life, eventually settling in Argentina. See the documents in Grau, ed., *Homosexualität*, 347–58.

[11]Ibid., 88, 179–80.

[12]See the studies by Jörn Meve, *"Homosexuelle Nazis": Ein Stereotyp in Politik und Literatur des Exils* (Hamburg, 1990); and Alexander Zinn, *Die soziale Konstruktion des homosexuellen Nationalsozialisten: Zu Genese und Etablierung eines Stereotyps* (Frankfurt am Main, 1997). See also James W. Jones, "'Gegenwartsbewältigung': The Male Homosexual Character in Selected Works about the Fascist Experience," in *Der Zweite Weltkrieg und die Exilanten: Eine literarische Antwort*, ed. Helmut F. Pfanner (Berlin, 1991), 303–10.

This content downloaded from
132.174.250.143 on Wed, 12 Jan 2022 04:40:14 UTC
All use subject to https://about.jstor.org/terms

within the ideology of the Nazi movement, especially as applied to its elite branch, the SS. On the one hand, the leadership wanted to replicate within its own ranks the close male intimacy of the trenches of the First World War, something that only the shared dangers of front-line warfare could ever bring about. On the other hand, it shunned the soft, emotional, "feminine" underside of such relationships.

The party's first public statement specifically condemning homosexuality, issued in 1928, emphasized the fear of womanish emotionalism running wild among men and embedded the scenario within a background of crude social Darwinism: "[The German *Volk*] can only live if it fights, because to live is to fight. And it can only fight if it keeps itself manly. It can only remain manly if it practices discipline, above all in love. . . . Everything that unmans our *Volk* makes it into the plaything of our enemies."[13] It is not clear who composed this statement, although it is more in the style of party philosopher Alfred Rosenberg than of Hitler or Himmler. Nonetheless, it can be said to represent a general fear in the Nazi movement. While men were the authority figures, they needed to maintain the respect they were accorded by acting in a disciplined fashion, which meant not falling out of the role assigned to them. The Nazi movement, its supporters claimed, was unlike other all-male organizations of the early twentieth century, especially youth groups, whose close bonding was based on "friendship," which was subject to unpredictable and inconstant emotions; instead, the Nazi movement was based on the altogether more soldierly and manly concept of "comradeship." Yet the male bonding that the Nazis vigorously encouraged in the name of comradeship was not easily distinguishable from the Wandervogel movement, and there must have been millions of young German men who did not have a clear idea of the difference.

Whether comrade or friend, many Nazis developed relationships with other men that were laden with emotion and eroticism and often ran too close to the edge of sexuality to be pulled back. It was this confusion that made the control of homosexual feelings (as much as activity) a high priority for the Nazi leadership. Emotions in a private situation were virtually impossible to regulate, which is why the regime tried to eliminate the private sphere (while paradoxically celebrating it in the form of the traditional and "normal" family). At the same time the whole thrust of the rhetoric of party and state worked toward promoting a highly emotional adulation of leaders and fellow party members. The Nazis celebrated bonds with members of their own sex as more noble than relationships with

[13]There is a signiflcant double entendre here, because the word for discipline, *Zucht*, also has the connotation of decency. This is clearer in its opposite, *Unzucht*, which was the legal term used for homosexuality (*widernatürliche Unzucht,* "unnatural indecency"). The statement of May 14, 1928, came in response to a survey of political parties carried out by the homerotic magazine, *Der Eigene*, and it is quoted in Jellonnek, *Homosexuelle*, 53–54.

This content downloaded from
132.174.250.143 on Wed, 12 Jan 2022 04:40:14 UTC
All use subject to https://about.jstor.org/terms

women, but they were too embarrassed to admit that there was an emotional and therefore labile and not easily controllable side to them.

The young Himmler portrayed in Bradley F. Smith's careful study was rather prudish about sex and sought to cover his embarrassment and ignorance by seeking out texts that might rationalize his advocacy of sexual abstinence. Still, his lack of confidence around members of the opposite sex (more pronounced than that of his peers) brought with it no suggestion of homosexual attractions.[14] When he encountered the subject of homosexuality in his reading, Himmler was confused rather than titillated. His reaction on reading Hans Blüher's *Die Rolle der Erotik in der männlichen Gesellschaft* (The role of eroticism in male society) as a student is well known.[15] He instinctively wanted to reject Blüher's endorsement of homoeroticism but could not immediately come up with persuasive counterarguments. In the annotation in his reading list, Himmler twisted and turned uncomfortably:

> The man has certainly penetrated colossally deep into the male erotic, and has grasped it psychologically and philosophically [?]. Still he uses too much vague philosophy in order for it to convince me, even though much of it is wrapped up in learned language. That there must be male societies is clear. If one can call them erotic, I doubt. In any case the pure physical homosexuality is an error of degenerate individualism that is contrary to nature.

Bradley Smith observes that "to some observers such comments may betoken latent homosexuality," but he sees them as confusion about an unfamiliar topic.[16] While I would agree with that assessment, I am not so quick to set these remarks aside. They reflect a central dilemma for the Nazi movement that Himmler never resolved. Individuals in an organization that placed such a high premium on male bonding were bound to stray into homoeroticism on occasion, even if it was an embarrassment to call it that.[17]

[14]As a student in 1920, Himmler was much taken by Hans Wegener's *Wir jungen Männer: Das sexuelle Problem des gebildeten jungen Mannes vor der Ehe* (Königstein/Taunus, 1912), which put the case for sexual abstinence in terms of the physical and mental damage caused by promiscuity. Himmler found it "rich and surely right. Certainly the most beautiful book I have read on this question." By 1922, as Bradley F. Smith notes, "the frequency with which he discussed sex and sexual problems with his close male friends suggests that he was having trouble with his defenses" (*Heinrich Himmler: A Nazi in the Making, 1900–1926* [Stanford, 1971], 85–86, 114–15).

[15]Some impassioned letters from grateful readers, brought back from the brink of despair by his sanctioning, even welcoming, of homoerotic relations, are included in later editions of another of Blüher's books. See Hans Blüher, *Die deutsche Wandervogelbewegung als erotisches Phänomen: Ein Beitrag zur Erkenntnis der sexuellen Inversion*, 3rd ed. (Charlottenburg, 1918), 182–90.

[16]Smith, 115. Question mark in the original quotation, denoting Smith's uncertainty over the legibility of Himmler's shorthand.

[17]Detlev Peukert talks of Himmler's personality needing "an external armouring of authority and obedience to serve as protection for the softness concealed within" (*Inside Nazi*

This content downloaded from
132.174.250.143 on Wed, 12 Jan 2022 04:40:14 UTC
All use subject to https://about.jstor.org/terms

It is not known when Himmler first learned of Ernst Röhm's sexual proclivities, but initially their relations were cordial. He noted in January 1922 that Röhm was "very friendly" to the twenty-one-year-old Himmler when they met at the latter's regimental club; if there had been the slightest whiff of sexual interest at this date, Himmler would surely have beaten a hasty retreat and reached for his pen to record the affront in his diary.[18] By the following year, very special, almost sacred, ties would bind them together as comrades-in-arms at the same barricade during the Beer Hall Putsch.[19] It is safe to assume that Himmler acquired most of his understanding of the "homosexual problem," like so many of his other ideas, from Hitler, although some of his own reading in the 1920s touched on the question.[20] For Hitler and Himmler the forced closure of gay bars in 1933 was an important gesture in the Nazi program to "clean up" Germany, yet neither showed much interest in cleansing the party ranks of individual homosexuals. The Röhm purge of June 1934 marked the decisive watershed for ending toleration within the Nazi movement. Hitler outlined his fundamental position in his ranting speech to the Reichstag a fortnight after the purge, and Himmler echoed it repeatedly: homosexuals formed cliques, cliques that would go on to hatch treasonable conspiracies against the state.[21] Two images associated with homosexuality ran through the mixed metaphors of Hitler's speech: it was both a coldly rational political conspiracy with a single-minded aim and a poisonous disease spreading inexorably but haphazardly.[22]

Germany: Conformity, Opposition, and Racism in Everyday Life [New Haven, Conn., 1987], 204). Reinhard Greve ignores the erotic element and sees only the cultic and pseudohistorical aspects ("Die SS als Männerbund," in *Männerbande, Männerbünde: Zur Rolle des Mannes im Kulturvergleich*, ed. Gisela Völger and Karin von Welck [Cologne, 1990], 107–12). See also Klaus Theweleit, *Männerphantasien*, vol. 2: *Männerkörper: Zur Psychoanalyse des weissen Terrors* (Basel/Frankfurt am Main, 1986), 390–91.

[18]Smith, 126. In fact it seems that Röhm may not have been homosexually active at this date. In a letter to Karl-Günther Heimsoth in 1929, Röhm noted: "I pride myself on being homosexual but first really 'discovered' this in 1924." See Eleanor Hancock, "'Only the Real, the True, the Masculine Held Its Value': Ernst Röhm, Masculinity, and Male Homosexuality," *Journal of the History of Sexuality* (April 1998): 616–41, quote from 625.

[19]For the iconographical significance of the famous picture of Himmler at the barricades with Röhm in November 1923, from which the latter was edited out after his murder, see Geoffrey J. Giles, "Die erzieherische Rolle von Sammelbildern in politischen Umbruchszeiten," in *Deutsche Umbrüche im 20. Jahrhundert*, ed. Dietrich Papenfuß and Wolfgang Schieder (Cologne, 2000), 260–61.

[20]Herwig Hartner, *Erotik und Rasse: Eine Untersuchung über gesellschaftliche, sittliche und geschlechtliche Fragen* (Munich, 1925), included a section about the homosexual problem, and Himmler recorded his approval of the book among the annotations to his reading list. Library of Congress (LC) Himmler File, Container 418.

[21]"Der Wortlaut der Führerrede vor dem Reichstag," *Völkischer Beobachter*, Ausgabe A, July 15–16, 1934, Beiblatt p. 1.

[22]The infection metaphor had entered Himmler's thinking by the fall of 1927, when he read Hartner's book, which explained homosexuality in these alarmist terms. Himmler

This content downloaded from
132.174.250.143 on Wed, 12 Jan 2022 04:40:14 UTC
All use subject to https://about.jstor.org/terms

Several commentators have seen a turning point in Himmler's own policy in the article by SS legal expert Professor Karl August Eckhardt, published in the SS newspaper in the spring of 1935, one year after the Röhm purge. If one looks beyond the title, "Widernatürliche Unzucht ist todeswürdig" (Unnatural indecency deserves death), the article is in fact not so much a plea for capital punishment as an historical treatise, purporting to describe the traditional treatments of homosexuals. In ancient Germanic times, Eckhardt wrote, the accused might be thrown into a bog, burnt, or buried alive; in the modern period, he was subject to the "more lenient" punishment of beheading. Eckhardt endorsed the death penalty for homosexual offenses only in the very last paragraph, where he called for a return to the "Nordic principle of the eradication of the degenerate" because the future of Germany depended on the nation's purity. In 1935 this rhetorical flourish was not to be taken too literally.[23] In a long speech about homosexuality in 1937, Himmler himself waxed nostalgic about those good old Germanic customs of throwing the weighted homosexual into a muddy bog to drown. For the present day, added Himmler, "I must say: unfortunately," that was no longer possible. Nevertheless, in September 1938 the Reichsführer-SS suggested that within a year SS members would routinely be punished with a death sentence for homosexual offenses.[24] While the actual promulgation of the decree came later, Himmler's 1938 statement showed that the idea had already been planted in his mind.

Homosexual Behavior within the SS

Given Himmler's personal distaste for homosexual acts, one would think that he would have managed to keep his immediate surroundings free of any taint. Yet SS headquarters was sometimes the setting for scandalous goings-on. In March 1941 one SS man on Sunday duty invited his lover,

---

frequently borrowed books from other Nazi leaders, including Hitler (the copy of Hartner's *Erotik und Rasse* was on loan from party court chairman Walter Buch). It is likely that, since both of them had pretensions to intellectuality, they discussed books together. The notion of homosexuality as dangerously infectious was not new or exclusive to Hartner's book, but this happens to be one book covering the issue for which we have positive evidence of Himmler's study and endorsement. "If it [homosexuality] prevails," warned Hartner, "it will surely dig our graves," reasoning that an increase in homosexuals would mean a free fall in the birth rate and the eventual implosion of the German race (41–44). Parallel sentiments pervaded the eugenics movement at the end of the nineteenth century.

[23]SS-Untersturmführer Professor Eckhardt, "Widernatürliche Unzucht ist todeswürdig," *Das schwarze Korps*, May 22, 1935, 13. Jellonnek deplores the frequent misinterpretation of this article by "gay Holocaust" proponents and others who suggest that homosexuals were quite commonly given death sentences at this time (*Homosexuelle*, 31–33).

[24]Bradley F. Smith and Agnes Peterson, eds., *Heinrich Himmler: Geheimreden 1933–1945 und andere Ansprachen* (Frankfurt am Main, 1974), 93–104.

This content downloaded from
132.174.250.143 on Wed, 12 Jan 2022 04:40:14 UTC
All use subject to https://about.jstor.org/terms

not an SS member, to join him. They slipped into the elevator, stopped it deliberately between the floors in order to be undisturbed, and had sex.[25] Nor was this the only such case. The previous year a seventeen-year-old male telephonist at the SS head office had also entertained a boyfriend there on several occasions, though the Gestapo only found out about the meetings two years later.[26]

Even Hitler's personal bodyguard, the SS Leibstandarte Adolf Hitler, did not entirely shun gay sex. What makes the following high-profile case, involving the former rector of Munich University, particularly puzzling is that the young SS man involved was not even reprimanded. Hans P. joined the Hitler Youth in October 1930, well over two years before Hitler became chancellor, and was transferred directly into the SS bodyguard in November 1933, when he was eighteen. By 1938 he had been promoted to SS-Scharführer (sergeant) and was serving with a unit in Munich when Professor Leopold K. met him at a café. P. was invited to visit the professor's institute at the university, which was doubtless flattering for someone who had never been to college, and he did so several times. On one such occasion, K. embraced and kissed him. When P. was transferred to Berlin at the end of 1938, he agreed to let K. visit him. During that meeting they masturbated together, apparently for the first time. Shortly afterward the two of them met for a weekend together in Frankfurt, where they shared a room and had sex again.[27]

Inexplicably, nothing happened to Hans P. in the way of a criminal charge. In February 1939, at the time of a Gestapo investigation into the professor's relationships with at least ten young men, P. left the SS. He was not publicly expelled, as one would expect, but departed "following a severe sports accident," as he testified. I can only conclude that he must have had an influential protector behind the scenes in the SS. After spending a year as a bookkeeper with a private wholesale firm, he was taken back into the SS reserve and continued to serve as a bookkeeper. Nine months later he advanced to the position of paymaster of the Waffen-SS military hospital at Hohenlychen. He evidently did well, because he was promoted to Hauptscharführer at the beginning of December 1942, just four days before he got married. This promotion would have been unthinkable for anyone found guilty of homosexual offenses by a court.[28] Clearly, SS men

[25]Following a denunciation, this escapade cost the SS man a seven-year penitentiary sentence, while his friend was sent to an ordinary prison for four years. See Andreas Pretzel and Gabriele Roßbach, eds., *"Wegen der zu erwartenden hohen Strafe . . .": Homosexuellenverfolgung in Berlin 1933–1945* (Berlin, 2000), 38.

[26]Gestapo mugshots of the SS telephonist Alfred W. in ibid., 48.

[27]I discuss the K. case more fully in my forthcoming book on homosexuality and the Nazis. The documents referred to here were kindly provided in photocopy from the Munich University archive by Professor Laetitia Boehm as well as from National Archives II College Park (NARA) BDC PK Leopold K. and SSO Hans P.

[28]Details from BDC personal records in NARA BDC RuSHA file Hans P.

This content downloaded from
132.174.250.143 on Wed, 12 Jan 2022 04:40:14 UTC
All use subject to https://about.jstor.org/terms

like P. were not taking to heart either Himmler's warnings or the tirades against homosexuality printed in *Das schwarze Korps.*

The harsh treatment of homosexuals by courts in Nazi Germany might indicate that judges themselves were eager to set an example in such cases, all the more so if the accused were members of the SS. Surprisingly, however, in a Bavarian case at the beginning of 1940, the SS court actually rejected the need even for a full investigation. The case centered on two young SS recruits who had been discovered in bed together in their barracks room, one of them completely naked. This was incriminating enough, in Nazi eyes, to warrant corrective punishment. The two SS men were rather young (Hans V. was eighteen, Georg W. only seventeen), but that made it more likely that severe action would be taken to curb any budding homosexual tendencies. The testimony by other barracks roommates that the former had often "touched them indecently" against their protests should have sealed V.'s fate. Yet the SS court dropped the case. The police were unable to dig up any damaging material about the young men's pasts, and the court accepted the assertions of the pair that they were just talking together and had gotten into bed with each other so as not to disturb the rest of the men. In a remarkable ruling, the court noted that "lying side by side in a bed does not in itself constitute an indecent act in the sense of the criminal code." This statement was only formally accurate, because the elasticity of the post-1935 revision of Paragraph 175 allowed more harmless manifestations of desire than this to send men to prison. Yet in this case the court followed the letter of the law, explaining that "in order for the factual provisions of §175 to be fulfilled, the accused must have had a lascivious intent or, rather, must have committed indecent acts mutually or with the toleration of one party." Why did the court show a lenient face here? Perhaps it was reluctant to deplete the ranks of the SS at this early stage of war; perhaps it realized that soldiers in wartime do sometimes sleep together, simply for warmth or companionship.[29]

The Introduction of the Death Penalty

The official edict prescribing the death sentence for SS and police members found guilty of homosexuality came on November 15, 1941. No single case or surge in offenses had provoked it. Issued in Hitler's name, the edict suspended the jurisdiction of the regular law courts over SS and police members in cases of homosexuality, ruling that such cases would be dealt with secretly by the SS's own special courts. Although "less serious cases" might result in a prison or penitentiary sentence, the most ominous change lay in the principal section of the decree: "A member of the SS or

[29]Verfügung Eberstein und Knote, Ablehnung Einleitung eines Ermittlungsverfahrens, January 18, 1940, BAL NS7/1021.

This content downloaded from
132.174.250.143 on Wed, 12 Jan 2022 04:40:14 UTC
All use subject to https://about.jstor.org/terms

police who commits indecency with another man or allows himself to be abused in an indecent manner will be punished with death." How drastic was this change? Günter Grau gives the impression that the introduction of the death penalty for homosexual offenses in the SS and police meant that such punishments subsequently became the norm, and therefore Himmler succeeded in "cleansing" the SS.[30] George Mosse goes to the other extreme and states erroneously that "no executions actually took place; suspected homosexuals were expelled or retired from the SS instead."[31] In fact, death sentences were carried out, but the new ruling was applied rarely and inconsistently.[32]

Hitler's decree represents such a fundamental policy change that it is surprising that no commentator has explored its immediate origins. Himmler did not move closer toward implementation of a death penalty in the late 1930s, despite his occasional inflammatory comments, though he certainly endorsed ever harsher treatment of homosexuals and encouraged the Ministry of Justice (Reichsjustizministerium) in March 1937 to change the sentence for homosexuality from prison to penitentiary terms. By the time the ministry had completed a draft for a new penal code, the Second World War had broken out, and Hitler, concerned about national morale, judged this an inopportune moment to introduce more heavily punitive measures. In November 1940 he rejected the initial draft decree to introduce the death sentence or life imprisonment for homosexuality between adult men.[33]

The catalyst for making homosexuality a capital offense was probably one of Hitler's rare private pronouncements on homosexuality, made on the evening of August 18, 1941, and it warrants closer examination. Goebbels had unintentionally provoked Hitler to discuss the topic by bringing up the German entertainment world. He recalled the conversation in his diary:

> [W]e came to speak of the State Theater in Berlin. The Führer doesn't like Gustav Gründgens. He is too unmanly for him. In his view, one should not tolerate homosexuality in public life under any circumstances. Above all, however, the Wehrmacht and the party must be kept free of it. The homosexual also tends to undertake the selection of men according to criminal or at least sick criteria but not their suitability. If you let him have his way, the whole state would become an organization of homosexuality in the long run,

[30]Grau, ed., *Homosexualität*, 242–51.

[31]George L. Mosse, *The Image of Man: The Creation of Modern Masculinity* (New York, 1996), 175.

[32]Of sixteen convictions for homosexuality in the SS and police in 1940, only one resulted in a death sentence. For the first quarter of 1943 (i.e., after the November 1941 decree came into effect), there were twenty-two convictions, not one of which was given the death sentence (Jellonnek, "Sturmstaffel," 15).

[33]Jellonnek, *Homosexuelle*, 115–19.

This content downloaded from
132.174.250.143 on Wed, 12 Jan 2022 04:40:14 UTC
All use subject to https://about.jstor.org/terms

and not an organization of manly excellence. A real man will always put up resistance to such an attempt, if only for the reason that he sees in it an attack on his own possibilities for advancement.

There is much in the Catholic Church that can only be explained by the homosexual principle on which it at least in many respects rests. The National Socialist state must be a manly state. It is built upon the firm foundations of a natural selection that repeats itself in a constant cycle.[34]

This is fairly old hat: the condemnation of effeminacy, the fear of conspiratorial cliques,[35] the putative homosexual nature of the Catholic Church. Goebbels had heard it all before and did not bother, after dictating another seventeen pages of comments on his discussions with Hitler earlier that day, to go into much detail about the conversation on homosexuality. He certainly did not sense a change of policy here. The need to keep the party free of homosexuals had been on the table since the Röhm purge.

Other scholars have not noticed Goebbels's diary entry and have instead reacted to another memorandum about this same monologue of Hitler's, which Günter Grau claims was the trigger for the November decree.[36] Again it warrants our full attention:

Last night the Führer talked for a long time about the plague of homosexuality. We have to go after this with ruthless severity, he said, because there is a certain time in youth when the sexual feelings of a boy can easily be influenced in the wrong direction; it is precisely boys in this age group whom homosexuals seduce. And a homosexual will generally seduce a whole host of boys, so that homosexuality really is as infectious and dangerous as the plague. But our youth must not be ruined for us; on the contrary, they must be brought up in the proper manner. Therefore, wherever manifestations of homosexuality appear among our youth, we must pounce on them with barbaric severity.

Our state and our order above all can and should only be built on the principle of achievement. Any system of favorites must be rejected; we don't want the offshoots of nepotism and that sort of thing.

[34]Elke Fröhlich, ed., *Die Tagebücher von Joseph Goebbels. Teil II: Diktate 1941–1945* (Munich, 1996), Band 1, p. 272.

[35]This is where Steven Katz's analysis does not work for the Third Reich. He claims in his chapter, "The Persecution of Homosexuals" (specifically about the medieval period but with the broader implications that the book's title suggests), that the homosexual was "merely a sinner." Since the homosexual, unlike the Jew, was not regarded as having power, "one might loathe the homosexual but one need not live in dread of him." See Steven T. Katz, *The Holocaust in Historical Context*, vol. 1 (New York, 1994), 527. The fictitious yet nonetheless powerful dread in Nazi Germany derived from Hitler's mendacious analysis of the Röhm Putsch, reinforced by Himmler and passed on down the ranks of the Nazi movement.

[36]Unfortunately, Grau does not identify the office from which this *Aktenvermerk aus dem Führerhauptquartier vom 19. August 1941* came (Grau, ed., *Homosexualität*, 213–14, 242). Jeremy Noakes accepts the importance of the document and includes an English translation

This content downloaded from
132.174.250.143 on Wed, 12 Jan 2022 04:40:14 UTC
All use subject to https://about.jstor.org/terms

> The homosexual, on the other hand, does *not* assess other men according to their achievement; he rejects the most competent men if or even because they are not homosexual and gives preference to homosexuals. We've experienced it unfortunately in the case of Röhm, as well as other cases, that a homosexual will fill all crucial positions with other homosexuals.
>
> Especially the party with its branch organizations and the Wehrmacht must proceed with ruthless severity against every case of homosexuality that appears in their ranks. If this happens, then the machinery of the state will remain clean, and it must remain clean.
>
> But in *one* organization every case of homosexuality must be punished with death, namely, in the Hitler Youth. If that is one day going to represent the pick of the nation, then no other verdict must ever be passed within its ranks.

The account above and Goebbels's recollection overlap, notably in mentioning the potential for a homosexual conspiracy to take over the state (with an explicit reference to Ernst Röhm), the alleged predilections of homosexuals for young boys, the infectious disease metaphor, and the need to keep the Wehrmacht and party unsullied. The striking difference between the two records is in the last paragraph, which calls for the death penalty in cases involving the Hitler Youth. There is no evidence that Baldur von Schirach, the head of the Hitler Youth, felt moved to introduce the death penalty for illicit sexual relations among the nation's teenage boys in his charge, and Hitler did not call for the death penalty against perpetrators in the SS or police at this time.[37] Rather, it must derive from an initiative of Himmler that goes beyond "working toward the Führer" and represents what I would describe as "subordinate escalation." Himmler, who had undoubtedly heard about Hitler's pronouncements, wanted to outdo or perhaps preempt any possible move by Schirach. After all, the SS, the elite of the nation, could not remain without such a purifying regulation if the Hitler Youth put one in place. A note from Himmler to Hans-Heinrich Lammers, head of the Reich chancellery, casts some doubt on the likelihood that Hitler initiated the measure personally and suggests that agency lay elsewhere. Himmler thanked Lammers "for the efforts you have made to bring this decree to fruition."[38]

---

of it in his small selection of basic documents on Nazi policy against homosexuals (Jeremy Noakes, ed., *Nazism 1919–1945*, vol. 4: *The German Home Front in World War II* [Exeter, 1998], 392–93). The translation here is mine, differing somewhat from that of Noakes.

[37]However, the death penalty had been introduced generally for certain sex crimes, incuding assaults on children, on 4 September 1941. Jellonek documents four such death sentences carried out in 1943 in Vienna for same-sex offenses against 10–14 year-old boys but also notes that not one of them involved a violent attack. Rather, the accused adults had been involved in long-term relationships with the minors, in some cases for several years (*Homosexuelle*, 118–19).

[38]Grau, ed., *Homosexualität*, 245.

This content downloaded from
132.174.250.143 on Wed, 12 Jan 2022 04:40:14 UTC
All use subject to https://about.jstor.org/terms

Whoever the initiator was, Hitler promptly and decisively sabotaged the full thrust of the ordinance at the moment he signed it on November 15, 1941. He told Lammers that it should on no account be made public in the *Reichsgesetzblatt*, in any official publication, or in the press, because its release would give the whole world the impression that homosexual offenses were so prevalent in the SS and police that "such draconian measures" were positively required to bring the problem under control. Lammers very sensibly pointed out that potential offenders needed to know in advance that the death penalty awaited them. Why would they desist from a crime if they did not know that the law now treated it as a capital offense? Hitler's response was that this was Himmler's problem. He could figure out how to get the message across to all current and future members of the SS and police "in an appropriate fashion."[39] Although the decree was to be kept secret, Lammers decided he had to let the Führer's chancellery know, albeit in the strictest confidence, because that was the office through which appeals to Hitler to commute death sentences would pass. And Bormann, as head of the party chancellery, had better be told, too, because appeals from party members passed through his office.[40]

It was not until March 7, 1942, almost four months later, that Himmler got around to issuing a confidential memo that outlined the procedures for disseminating the new policy. In it he stressed again that such offenses occurred "only *very rarely*" (emphasis in original) in the SS and police, but they nevertheless needed to be treated "with ruthless severity" because this was a "dangerous and infectious plague" from which the Führer wanted to keep these organizations "unconditionally clean." The decree was therefore to be communicated verbally "to *all* members of the SS and police." They would be told not to reveal the threat of the death sentence to any outsider. They were presumably to take only private satisfaction in being the "vanguards in the fight for the extermination of homosexuality among the German people."[41]

Implementation of the New Policy

The November 1941 decree ought to have had a deterrent effect. SS members were now required to sign a declaration confirming that this entire question had been explained adequately to them and that they would not engage in any such acts. The form, which would be kept in their personnel

[39]Aktenvermerk Lammers, November 15, 1941, in Helmut Heiber, *Der ganz normale Wahnsinn unterm Hakenkreuz: Triviales und Absonderliches aus den Akten des Dritten Reiches* (Munich, 1996), 163–64.

[40]Aktenvermerk Reichskanzlei, January 23, 1942, with drafts of letters to the other two chancelleries, in Institut für Zeitgeschichte, ed., *Akten der Partei-Kanzlei der NSDAP: Rekonstruktion eines verlorengegangenen Bestandes* (Munich, 1983), microfiches 101 20265-69.

[41]Upon being notifled, Bormann wrote to Himmler, saying he thought the party hierarchy—several dozen Gauleiter and Reichsleiter—should be told too and requesting Himmler

This content downloaded from
132.174.250.143 on Wed, 12 Jan 2022 04:40:14 UTC
All use subject to https://about.jstor.org/terms

file, affirmed: "I have been instructed that the Führer has decreed in his order of November 15, 1941, in order to keep the SS and police clean of all vermin of a homosexual nature, that a member of the SS or police who commits an indecent act with another man or allows himself to be indecently abused by him will be put to death without consideration of his age." Furthermore, the 1941 decree itself was to be read out in full to the SS man at the time of signing. He was also ordered to report any "immoral approach" even if it involved a superior officer to whom he had otherwise sworn absolute obedience. In keeping with Hitler's concerns, he had to swear not to breathe a word to a soul outside the SS or police about this whole policy.[42]

Yet the existence of so few of these forms in personnel files suggests that these procedures were followed only sporadically. Several SS men in the incidents discussed below claimed never to have heard of the Führer's order. SS leaders themselves may have felt awkward about such sex education sessions (there is certainly clear evidence of such awkwardness in the Hitler Youth),[43] and the wartime shortage of paper may have meant that the forms were never readily available. Besides, SS men had to sign all kinds of forms, which they doubtless did not commit to memory. Those serving in the Czech area, for example, were obliged to sign an eighteen-line statement about the sexual prohibitions they were to observe; the form suggested that SS men check the passport or ID card of a prospective sexual partner in order to verify her racial credentials.[44] The fact was that for many soldiers, especially those serving on the eastern front, there were simply no "racially acceptable" women around. What were highly sexed young men to do? The record suggests that frequently they chose masturbation with each other as the most available solution. Many did not regard this behavior as especially reprehensible or anything more than mildly indecent and certainly not evidence that they were homosexuals.

---

to obtain Hitler's permission for this. The Reichsführer-SS responded that he thought it far better for *Bormann* to ask Hitler (despite the fact that Himmler had dinner with Hitler the very same day). Bormann to Himmler, January 29, 1942; Himmler to Bormann, February 4, 1942; Vertrauliches Rundschreiben Himmler, March 7, 1942, microfiches 102 01280-84.

[42]A reproduction of the form, signed in Litzmannstadt in September 1942, in shown in Pretzel and Roßbach, eds., 39.

[43]Geoffrey J. Giles, "Straight Talk for Nazi Youth: The Attempt to Transmit Heterosexual Norms," in *Education and Cultural Transmission: Historical Studies of Continuity and Change in Families, Schooling, and Youth Cultures*, ed. Johan Sturm et al. (Ghent, 1996), 305–18.

[44]See an example of such a form, signed in Brno in February 1942, in NARA BDC SSM Walter Sprenger: "I have been instructed that I may not associate with any Czech person, and in particular may not have sexual intercourse with Czech women. I know that intercourse with women of foreign blood is severely punished. Contact is only permitted with Germans or ethnic Germans."

This content downloaded from
132.174.250.143 on Wed, 12 Jan 2022 04:40:14 UTC
All use subject to https://about.jstor.org/terms

Despite the balanced work of Burkhard Jellonnek, the view is still current that a death sentence for homosexuality in the SS and police was the norm during the war.[45] Once the SS court handed down such a sentence and Himmler confirmed it, it was carried out. Nonetheless, expert medical opinion sometimes intervened to mitigate punishment. In three instances in 1943, Himmler signed death sentences for SS officers and policemen, but the medical expert in Professor Matthias Göring's Institute for Psychotherapy (Deutsches Institut für psychologische Forschung und Psychotherapie) who was assigned to evaluate the guilty parties dismissed each case as a "false verdict."[46] In the first case, an associate of Göring and regular SS medical expert, SS-Standartenführer Dr. Martin Brustmann, rationalized the homosexual acts of a policeman by explaining that he possessed "an abnormally large sex organ," which meant that not every woman was capable of accommodating him in sexual intercourse. Brustmann felt that the man was otherwise perfectly normal and had been led astray by this freak of his anatomy. A course of treatment at the Göring Institute offered every probability that he would not deviate in the future.

The second case dealt with a police corporal who had been condemned to death for sodomizing chickens, an offense that also fell under Paragraph 175 of the criminal code. Since Himmler, a former chicken farmer, could not believe that someone could be so perverse, he ordered an inquiry to see whether alcohol was to blame. In this instance, Dr. Brustmann diagnosed the corporal as being not responsible for his actions as a result of a swelling of the brain. In the third case, Brustmann declared that a Waffen-SS man condemned to death for homosexual offenses in October 1942 was both mentally and physically underdeveloped, and a second opinion went even further, stamping him as "feeble-minded." In 1939 that diagnosis would have been grounds enough for an institutionalized mental patient innocent of any crime to be euthanized, but, in a bizarre twist, the non compos mentis evaluation transformed the SS-Kanonier's execution into a five-year penitentiary sentence.[47] Himmler penned a very sharp letter to Brustmann, declaring that he had no need of the doctor's misguided lessons on the question of homosexuality and forbidding him from contradicting the verdicts of the SS court in the future.

[45]Heiber reinforces this impression with his selection of four documents, recording the rejection of successive appeals in a 1943 case, involving five instances of nonpenetrative sex with three youths (189-90).

[46]For more information on this institute, see Geoffrey Cocks, *Psychotherapy in the Third Reich: The Göring Institute*, 2nd ed. (New Brunswick, N.J., 1997).

[47]Kaltenbrunner to Himmler, July 20, 1943, Bundesarchiv Lichterfelde (BAL) NS19/2957. As other research of mine indicates, confession of complete inebriation was also used, albeit with relatively infrequent success, during the Third Reich as part of a plea that someone was not responsible for his criminal actions.

This content downloaded from
132.174.250.143 on Wed, 12 Jan 2022 04:40:14 UTC
All use subject to https://about.jstor.org/terms

Himmler's letters contain crucial policy statements about the future handling of such cases in the SS and police. Himmler claimed to be perfectly comfortable with the idea of "reeducating" in special camps those who had gone astray through having been seduced. Nonetheless, he did not have high hopes for success. Experts could not "educate" someone who had become "abnormal." In any case, such experiments were out of the question until the successful conclusion of the war. For the moment he wanted to continue the most severe punishment of such offenses: "Leniency can only apply in those cases in which it really is a question of the seduction of an unambiguously normal youth." To Brustmann, Himmler explained his policy as a matter of military expediency. Germany was now in the fourth year of a world war and fighting for its very existence. Homosexuals in the ranks, he claimed with a familiar trope, would damage military effectiveness. The execution of these criminals was no great loss: "The war is taking away hundreds and thousands of normal people [still] in their youth. But that makes it a duty for us not to shy away from the extermination of abnormal people who are admittedly the victims of seduction but are damaging the troops [*Vernichtung anormaler, zwar Verführter, die Truppe aber schädigender Menschen*]."[48] While the November 1941 order instituting the death sentence for SS and police personnel found guilty of homosexuality was formal and secret, on this rare occasion Himmler openly advocated and justified the physical extermination of homosexuals as standard policy.[49]

It may be no coincidence that during this very same month, July 1943, the Reich Ministry of Justice began extensive discussions with military, government, and party agencies on the introduction of compulsory castration for homosexual offenders. The instigator of this initiative was none other than Himmler's deputy, Ernst Kaltenbrunner, eager to make his own mark on policy toward homosexuals outside the SS and police ranks.[50] Was this an example of the "cumulative radicalization" that has been said to characterize the war years? Again I suggest that the term "subordinate escalation" is a more accurate description. Kaltenbrunner's démarche was not part of a series of policy initiatives regarding homosexuals; rather, it was an isolated intrusion that tightened the screws in a way that he thought

[48]Himmler to Kaltenbrunner, June 23, 1943, and Himmler to Brustmann, June 23, 1943, in ibid. See also Jellonnek, *Homosexuelle*, 174–75.

[49]Von Rönn errs in claiming as a dramatic conclusion to the flrst part of his article that the document signals that Himmler had now abandoned all experiments with the educability of offenders (128–29). As my examples indicate, Himmler remained inconsistent, or "flexible," to the very end of the war.

[50]Reichsjustizministerium to RMdI, OKW, RPropM, Partei-Kanzlei, and Chef der Sipo u. des SD, July 7, 1943, Bundesarchiv-Militararchiv Freiburg (BAMA) H20/479. See also Giles, "Castration," 55; and Geoffrey J. Giles, "The Institutionalization of Homosexual Panic in the Third Reich," in *Social Outsiders in Nazi Germany*, ed. Robert Gellately and Nathan Stoltzfus (Princeton, N.J., 2001), 249.

This content downloaded from
132.174.250.143 on Wed, 12 Jan 2022 04:40:14 UTC
All use subject to https://about.jstor.org/terms

would earn him points with his superior. The Third Reich functioned in large part through subordinates' guessing at the proper interpretation of their superiors' general policy statements and implementing this interpretation in a manner most likely to win them applause and favor.[51] Although the phenomenon has been studied at the lowest levels of Nazi institutions, it is important to note that even the top deputies engaged in the practice.

Despite the radical outbursts that punctuated the Third Reich, it is important to stress the unevenness of implementation of disciplinary regulations and the law and to record the periodic exercise of a little humanity, even within the fearsome confines of the SS court. The following case deserves a close reading, for it offers an insight into the obsessive, investigatory zeal of Himmler's police and (from the multiple testimonies that have survived in the court records) the way that men thought and talked about homosexuality. What they did not say is as important as what they did say. There is no mention, for example, in this or any similar case about *emotional* deviancy. None of the soldiers accused their NCO of whispering sweet nothings to them when they had sex. He did not apparently say that he "loved" any of his men while fondling them, though one testimony below comes close to suggesting that there was more than straightforward, earthy, sexual physicality at play. I would suggest that the reason for this was in part a broad perception that sex without deep emotion was viewed as not especially reprehensible. Equally, one might say that emotion without sex was quite acceptable between men, insofar as very close male bonding was indeed a goal within the SS, whose motto stressed the members' unswerving "loyalty" to each other. Trouble arose, in the popular perception, when emotion and sex were brought together, for that meant that a man "loved" men and was therefore a homosexual.

Sexual Frustration among Front-Line Soldiers

The case in question concerned twenty-four-year-old Hans G., an SS-Hauptscharführer (sergeant major) with the Eleventh SS Volunteer Panzer Grenadier Division Nordland. G. had served with distinction and had been wounded in action in 1942, but in the fall of 1944 he was apprehended on charges of homosexual assault. The interrogations and testimonies reveal a sexually frustrated, perhaps lonely, soldier at the front with strong homoerotic leanings. G. admitted to mutual masturbation with two of his men while having no idea whether it was one of them who had turned him in. His men certainly found some of his actions strange but were offended only by direct sexual assault.

[51] Ian Kershaw terms this process as "working towards the Führer," a phrase drawn from a routine but interesting speech by an offlcial in the Prussian Agriculture Ministry. See Ian Kershaw, *Hitler 1889–1936: Hubris* (London, 1998), 527–31, where he also refers to Hans Mommsen's use of the term "cumulative radicalization."

This content downloaded from
132.174.250.143 on Wed, 12 Jan 2022 04:40:14 UTC
All use subject to https://about.jstor.org/terms

Sturmmann (lance corporal) D. described his mutual masturbation with G. and admitted that he was himself sexually excited and had reciprocated for about ten minutes. They were both drunk. Subsequently, D. was rather embarrassed, stating: "The incident didn't particularly concern me, I just really wanted to forget about it. I know that it's a bit unusual. I have never heard of the Führer's decree, and I didn't know that this sort of thing was punishable." Unfortunately, the impression of unsullied innocence created by this account of an isolated occurrence was damaged by D.'s initial interrogation, in which he admitted to two further incidents with G. while the two were out on patrol. Even more damaging, they had kissed on those occasions, and G. had thrust his penis between D.'s thighs. Such intercrural intercourse was an indictable homosexual offense even under the Weimar Republic, because it closely replicated the standard heterosexual act. The police fired off a telegram to the station in D.'s home town of Stettin, requesting details of his criminal record and instructing the officers to investigate for any hereditary disorders in his family. Within a week the Stettin police reported back that D.'s father, a conductor on the local trams, and the whole family of eleven children seemed perfectly normal, healthy, and crime-free.[52]

G.'s advances to other men were often quite public. When sharing sleeping quarters with his platoon in a barn, for example, he would have one of them pull off his boots and help him to undress, even giving attention to his underwear. He would then sometimes have one of his men remain beside him, holding his hand; G. attempted to shrug off the criticism that this was not typical soldierly behavior. "It's true that I often had O. D. hold my hand in the evening. But I did this without any kind of sexual intent. It was no big deal for me." His excuse to his men was that it helped him sleep better.[53]

The young man in question, nineteen-year-old signalman Otto D., certainly found it rather improper that, three weeks after being assigned to this unit, he was sitting holding hands with his sergeant major. But their contact went further. G. made sure that O. D. slept beside him, and one night, the latter awoke to find the sergeant major masturbating him. The younger man allowed his NCO to proceed, not resisting at all ("I remained completely passive"). G. then climbed on top of him and made paracoital movements with his hips until finally he rolled back, "moaning and gasping." The next day, however, the younger man felt sufficiently disturbed by these advances to turn to a fellow soldier for advice. They decided they could take no action in the absence of witnesses. Still, since the men were all sleeping together in a barn, it was easy to find witnesses. G. clearly thought that he had found a willing partner for sex, but two nights later, when G. tried again, O. D.

[52]Vernehmung Sturmmann D., September 29, 1944; Schupo Stettin to Reichszentrale zur Bekämpfung der Homosexualität, October 7, 1944; Protokoll Hauptverhandlung, October 10, 1944; BAL NS7/1137.

[53]Vernehmung SS-Hauptscharführer Hans G., October 1, 1944, ibid.

This content downloaded from
132.174.250.143 on Wed, 12 Jan 2022 04:40:14 UTC
All use subject to https://about.jstor.org/terms

rebuffed him. Several of the other soldiers were not yet asleep this time and heard the whispered exchange between them:

> G.: Just take mine, and I will play with yours.
> O. D.: No, Ser'nt Major, I won't do it, it's disgusting.
> G.: If we just play around a bit, we can sleep better afterward. You're crazy! Why don't you want to? We already did it once.

O. D. replied that he had been caught unawares while sleeping the first time and firmly took hold of both of G.'s hands to prevent matters from going any further. G. did not force himself on O. D. after this.[54]

But now a private matter had become public, and one of the men (probably O. D.) reported G., initiating an intrusive, if brief, investigation into the intimate lives of the men of this unit. The depositions provide an unusual view of the kind of intimacy perhaps not so uncommon among soldiers at the front. Significantly, in the testimony of all of the parties concerned, no soldier thought of himself or accused the other of being a homosexual.

It is interesting to analyze the use of ideas of manliness or femininity in the testimony of witnesses, the statements of the defendant, and the judgment of the court. Take Sturmmann Franz B., just turned twenty-one. He was aware that he was a favorite of his NCO, but he did not feel repulsed by G.'s attentions. His evidence of assault was important to the prosecution, although the perceived effeminacy of his mannerisms might tend to discredit him as being homosexual himself and thus an unreliable witness. Most unusually, the chairman of the SS court added a personal comment about him as an addendum to his interrogation: "Outwardly B. gives a soft and girlish impression, yet he is described by his company commander as an exemplary soldier and irreproachable. I myself had the impression that he was telling the truth, and he left behind the very best impression of himself. In his external appearance he is without doubt a type that homosexuals fall for." The judge's statement conveyed the common prejudice that gay men are attracted to effeminate partners, but his reasoning was unusual: the homosexual *appearance* of the witness proved the *actual* homosexuality of the accused!

B.'s testimony about G.'s behavior revealed a similar conflation of sex and gender roles. While fondling B., the sergeant major "looked like a girl in love and moaned strangely all the while." This gender role reversal followed a direct sexual advance. The two men were alone together in a bunker, lying on some straw. G. began stroking the other's hair and then chest, and without undue resistance on B.'s part he gradually reached for the other man's genitals. At this point B. stopped him and moved his

[54]Vernehmung Otto Ernst D., September 29, 1944, ibid. The whispered exchange is my composite rendering, drawn also from the corroborating testimony of two other soldiers, Vernehmung Konrad G., September 29, 1944, and Vernehmung Otto R., September 29, 1944, ibid.

This content downloaded from
132.174.250.143 on Wed, 12 Jan 2022 04:40:14 UTC
All use subject to https://about.jstor.org/terms

hand away but otherwise did not appear to have taken exception to the caressing: "[G.] often took me into his arms and pressed my head against his breast. However, I never had the feeling that this was an abnormal gesture, I didn't give it a second thought." The testimony encapsulates the Nazi Party's general problem with homosexuality: the party wished to promote the very closest male friendship and trust but without allowing relationships to cross over a certain line of intimacy that not everyone viewed as a taboo.[55] In this case, that line between comradeship and physicality seemed to have been crossed, though the men involved did not see it that way. Their protestations of innocence and normality should not be seen as a clever manipulation of Nazi discourse in their favor; in fact, their comments tended to incriminate them. Perhaps B. was trying to instrumentalize commonplace notions of masculinity through his reference to G.'s girlishness in order to underline his own "normality." However, his candid admission to being the passive and regular recipient of G.'s embraces seriously undermined that defense strategy. His remarks are so natural in tone that it is likely they were recorded as spoken. And I would contend that the interrogators (through whose pen the statements are handed down) were not necessarily trying to entrap the witnesses; rather, the latter were simply naive. Himmler, had he read the full details of the case, would doubtless have been astonished to learn that his SS men at the fighting front could spend their evenings holding hands or caressing one another without any feelings of guilt or concern.

Hans G. himself strenuously denied being a homosexual. His defense was a common one among front-line soldiers in such cases: "My behavior can simply be attributed to the fact that I have had no leave for a long time and thus have had no opportunity for normal sexual intercourse." That was true, because the troops were strictly forbidden to have any intimate contact with the native women in the occupied territories. Less plausibly, he claimed to be completely innocent about homosexuality. G. had volunteered for the Waffen-SS while still only sixteen years old and had been assigned to the SS Death's Head Division (Division Totenkopf) for training at Dachau by the time he reached eighteen, the normal age for entry. He was later transferred to Mauthausen and Flossenbürg, concentration camps with noteworthy concentrations of pink triangle inmates. Let us examine G.'s comments in this regard:

> I did not experience anything like that [intimacy among the men] in the [SS] Viking Division [Division Wiking]. I had my first sexual intercourse [with a woman] when I was eighteen. Before that I knew nothing about [gay sex], I didn't even masturbate. The first urges came to me in July 1944. I heard about such things in the concentration camp, but I didn't know anything about it. Paragraph 175 didn't

[55]Vernehmung SS-Sturmmann Franz B., October 3, 1944, ibid.

This content downloaded from
132.174.250.143 on Wed, 12 Jan 2022 04:40:14 UTC
All use subject to https://about.jstor.org/terms

> mean anything to me. I don't know the Führer's decree either. It was never read out to me.

This testimony suggests that G. probably subscribed to the common perception that participation in anal intercourse defined a homosexual; in some concentration camps, for example, the Paragraph 175ers were made to wear a badge with the letter "A" to denote "ass fucker" (*Arschficker*). It is entirely plausible that such was the talk of the common guards. Furthermore, his statement provides further evidence of the timidity of the SS leadership in giving warnings about infractions in this area that were explicit enough to be of any use.[56]

G. also tried to "prove" that he was not a homosexual by insisting that he had turned in someone who had reached for his private parts in a public toilet in Brno, where his SS unit had been stationed in 1939. G. claimed to have boxed him on the ears and gone straight to the Gestapo office to report him. When it came to substantiating his claim, the story became rather fuzzy. G. asserted that he attended the court hearing to listen to the trial of the man but was never called as a witness. "He got two and a half years' penitentiary and a punishment beating every day, as I later heard." If that was meant to suggest that G. thought this an appropriate punishment for a "real" homosexual, it was not a particularly prudent remark, because this alleged assault was little different from his own unwanted advances against the men in his unit.[57]

The SS judges did not believe him and annotated their copy of his testimony with exclamations of doubt. They underlined the fact that he had spent two years at a Catholic monastery school, since that was an immediate indicator of possible homosexuality. They scrawled a large question mark in the margin next to his account of his lively relations with women, at least fifteen in all. G. asserted that as his wartime duties had grown more strenuous, he had become deeply involved with one woman, Lotti Kortum. He spent his last leave with her and had sex with her. Could he provide her current address? No, she had recently moved, and, since his unit was constantly on the move, he had thrown away all her letters. It sounded very much like a fiction. The judges knew that he had already misled their inquiry by admitting to just two instances of mutual masturbation. "These are the only incidents," he stated categorically on September 28, 1944. "A lie!" wrote one of the judges on the transcript later. What probably clinched the case for the court was the fact that, despite a minimal difference in ages, about five years, the assaults were carried out by a superior against junior NCOs in his charge. Such an abuse of rank was always treated in an especially stern manner. On October 10,

[56]Vernehmung G., October 1, 1944, and Hauptverhandlung, October 10, 1944, ibid.
[57]Vernehmung G., October 7, 1944, ibid.

This content downloaded from
132.174.250.143 on Wed, 12 Jan 2022 04:40:14 UTC
All use subject to https://about.jstor.org/terms

1944, the SS court pronounced the death sentence on Hans G. for five completed and two attempted homosexual acts.[58]

THE APPEALS PROCESS

Initially, G.'s case seems to be a clear example of the enforcement of Hitler's November 1941 edict. Yet immediately, the tide began to turn for Hans G. Within one week, the commanding officer of the Third SS-Panzer Corps, General Steiner, wrote a strong plea for clemency, arguing that "the condemned displayed for years a magnificent fighting spirit and won for himself in these long war years every medal that he possibly could" and that "he was a particularly competent junior officer who enjoyed general respect." His reasons suggest that the pragmatic needs created by the worsening war situation overrode the ideological imperatives of homophobia. The general's final justification for his plea for leniency showed that he agreed with G.'s own excuse that the conditions of war were to blame:

> I do not believe his action can be judged to be the consequence of a sick or depraved disposition, because he has never before come under suspicion of similar offenses or a similar disposition. Rather, this really does seem to be an example of sexual deprivation. . . . In my opinion we have here a strong psychic and erotic aberration that has been formed by the conditions of war. The accused is certainly no national parasite [*Volksschädling*], since he has continuously been in action of the most dangerous kind for his country.[59]

Unfortunately, the outcome of the case is not clear, since the chaotic conditions of the war's end prevented the preservation of a paper trail. The files were sent to the head office of the SS courts for a decision on the clemency appeal, and it appears that the case was then handed over for a further opinion to the civilian criminal police authorities in the Reichszentrale zur Bekämpfung der Homosexualität (Reich Central Office for Combating Homosexuality). With Berlin already largely in ruins in early 1945, this office continued its laborious investigations, wanting in the first place to know why at the age of twelve G. had suddenly left the Catholic school attached to the Fürstenstein monastery. G. claimed to have been expelled for reading the Nazi newspaper, the *Völkische Beobachter*. No incriminating evidence was found; the gendarmerie post in the small town responded that G.'s version was entirely plausible. The local policeman had known G. personally since 1930 and could testify that even as a twelve year old the latter had shown an unusual interest in politics, which doubtless derived from his father's early support for the Nazis before their

[58]Vernehmung G., September 28 and October 7, 1944; Feldurteil, October 10, 1944, ibid.

[59]Verfügung Steiner, October 17, 1944, ibid.

This content downloaded from
132.174.250.143 on Wed, 12 Jan 2022 04:40:14 UTC
All use subject to https://about.jstor.org/terms

seizure of power. Neither was there "the slightest suspicion of a homosexual disposition." G.'s relations with women had been entirely normal during his youth. He had had a number of girlfriends over the years and had contemplated marrying several of them. In fact, during his last home leave he had made more concrete moves in this direction with one woman, only to have the plans blocked by his widowed mother.[60]

There is something grotesque in the fact that in the winter of 1945, with Germany close to collapse, the police office on homosexuality was still going to these extraordinary lengths to pry into the private life of an individual in order to see whether he might be cured of his homosexual tendencies or else be put to death. As late as February 1945, the police were still pursuing G. He was brought from the Schöneberg prison, to which he had been transferred, for an interrogation in the central office in the bombed-out heart of Berlin, which disproves the view that the employees of this office did little more than shuffle index cards.[61] Agent Dornhöfer wanted precise details about G.'s relations with women. When he was stationed at Dachau in the mid-1930s, G. asserted that he "had sexual intercourse with a girl at least once a fortnight." Evidently, these young men in SS uniforms had their pick of the local women and made the most of it in the local dance halls. He could not recall any of their names, because these had been merely fleeting acquaintances.

Making no progress here, Dornhöfer pressed G. more closely about his homosexual acts: "Did you find pleasure in these activities?" G. was smart enough to offer a very circumspect answer: "I had the desire to find sexual satisfaction under any circumstances." Eliciting from the prisoner the admission that mutual masturbation between men was not normal behavior for well-balanced heterosexuals, Dornhöfer tried to trip him up by asking him why, if he realized that this was wrong, he had come to repeat the offenses. G. replied that his will was weakened by heavy drinking—an admission that appears to have been partly true, according to earlier testimony, and was in any case an argument that sometimes worked in favor of a defendant. We do not know whether it worked for Hans G., because the file breaks off with this February 1945 interrogation, and additional documents did not survive the end of the war.[62]

While the historical record is incomplete, the case repays careful study because it demonstrates the difficulties of sexuality for both the average soldier and the legal system. There is little doubt that Hans G., former concentration camp guard in some of Nazi Germany's most notorious

[60]Gendarmerieposten Werberg to Reichszentrale, January 22, 1945, ibid.

[61]Günter Grau, "Final Solution of the Homosexual Question? The Antihomosexual Policies of the Nazis and the Social Consequences for Homosexual Men," in *The Holocaust and History: The Known, the Unknown, the Disputed and the Reexamined*, ed. Michael Berenbaum and Abraham J. Peck (Bloomington, 1998), 338–44, quote from 342.

[62]Vernehmung G. im Reichskriminalpolizeiamt Berlin, February 2, 1945, BAL NS7/1137.

This content downloaded from
132.174.250.143 on Wed, 12 Jan 2022 04:40:14 UTC
All use subject to https://about.jstor.org/terms

camps, was a pretty unsavory character. Yet his SS record is not at issue here. What is important is the treatment of homosexual acts. Men in closed societies (such as prisons or armies) do become sexually frustrated and seek a release. In part, the German generals sought to address that need for front-line soldiers through the provision of brothels; yet brothels could not be set up everywhere, especially in the more isolated areas. Once a complaint concerning sexual abuse or assault by a superior had been lodged, it had to be taken seriously. This case could not be shrugged off as an isolated incident, since a total of seven incidents came to light, revealing a pattern of homosexual activity. Consequently, it became important to establish the exact nature of the offenses. There had not been just manual stimulation but also paracoital movements of the hips and even kissing. This simulation of heterosexual intercourse was the most damning factor. This and the abuse of rank pointed toward the death sentence. Yet some empathy seems to have prevailed in the SS judiciary in its acknowledgment that the harsh privations of front-line duty created special circumstances that would try the willpower of even the most upright of characters. Those charged with enforcing Himmler's homophobic policies did not respond simply with a knee-jerk reaction. They leavened ideology with pragmatism, even in this sensitive area.

Most records of the head office of the SS courts were destroyed at the end of the war, apart from a few cases that came from courts in the occupied territories (like the one discussed above) and a batch of 186 cases, mostly with incomplete documentation, that ended up in the Berlin Document Center. An examination of these 186 files reveals that only four are concerned with homosexual offenses. While these four cases cannot be regarded as representative, for they are simply chance survivals among the records, they are nonetheless acutely interesting in terms of their verdicts. One would expect increasingly harsh punishments, but that is not what we find.

DANGEROUS TALK ON THE WESTERN FRONT

Although even in the final weeks of the war German men convicted as homosexuals faced the threat of execution, the following case contains a strange twist. Werner S., the only son of a foreman in a metalworks factory in Düsseldorf, joined the junior branch of the Hitler Youth as soon as he could but never held rank in that organization, concentrating instead on music and advancing to the district Hitler Youth orchestra. He was a fairly good student, attending the local, nonclassical high school. He intended to go to college to study the humanities and physiology but was still rather vague, listing astrology and graphology (!) as possible areas of study. Three months before he was due to graduate and a couple of weeks after his twentieth birthday in June 1942, he was called up for army service. Passing his basic

This content downloaded from
132.174.250.143 on Wed, 12 Jan 2022 04:40:14 UTC
All use subject to https://about.jstor.org/terms

training with flying colors, he was assigned to an anti-aircraft unit on the eastern front, where he was soon singled out as officer candidate material. He completed officer training with the rank of lieutenant in August 1944. The report card noted his "particularly decent character" as well as his diligence and sense of duty. His superiors judged that he would make a good "political officer" because he could communicate National Socialist ideas to others convincingly. A subsequent report claimed that he positively "embod[ied] solid soldierly and National Socialist ideals."

Immediately after officer training, Werner S. was sent back to combat, this time to the western front, as an officer in charge of a gun battery unit. Now he was on his own, with real responsibility for the lives of his soldiers. He was still quite young himself, but his men were slightly younger. On the night of September 13, 1944, he lay down with his nineteen-year-old orderly, private Engelbert Sch. The latter was already dozing when S. suddenly pulled him over and asked if Sch. had ever "screwed" a girl. When Sch. said that he had not, S. kissed him, evidently with some passion, explaining that this was a French kiss. A couple of nights later, S. found a place with three beds in different rooms for the six of them. Having retired, he and his roommate stripped down to their shirts and climbed into bed. Werner then embraced and kissed the other soldier, the eighteen-year-old gunner K., several times and suggested that they masturbate each other. K. subsequently asserted to the military court that he had initially refused, but when Werner continued to badger him, he succumbed just so he could shut him up and get some sleep. He was not an entirely unwilling partner, because K. admitted that both had ejaculated. K. allowed himself to be kissed several more times before they fell asleep. But that was that—when Werner asked K. a week later to sleep with him, K. refused, saying he had no interest in doing it again. There are two significant points here: first, the initial sexual encounter was not a particularly big deal for K.; second, although he agreed to participate, K. was able to tell S. in a nonconfrontational way that he did not care for a repeat performance.

Two nights after this incident, S. shared a tent with another soldier and kissed him, too. Nothing further happened. Two nights later he entered the tent of lance corporal G., lay down beside him, and cuddled up to him. The corporal thought nothing of this, assuming that the lieutenant was simply cold, until the latter began to kiss him. Getting nowhere, S. left the tent. Two nights later, he asked his men twice for a volunteer to sleep with him, but none came forward. There is no evidence that they had compared notes yet, although perhaps S. had made advances to all of them by now. At any rate, a new man had just joined the unit, twenty-two-year-old corporal A., and S. simply told A. that he would share with him. After awhile, A. noticed S. pulling him closer. Since A. was cold and assumed that S. was too, he simply moved closer himself and was surprised

This content downloaded from
132.174.250.143 on Wed, 12 Jan 2022 04:40:14 UTC
All use subject to https://about.jstor.org/terms

when S. kissed him. Werner asked if he would like "to do it with him." "Do what?" replied A. and, receiving only a laugh for an answer, rolled over and went back to sleep. Let us step back and take note of the situation again. The corporal thought nothing of snuggling up to his lieutenant in a rather intimate way in order to keep warm. Thousands of other soldiers must have done so at the front. Nonsexual snuggling seems to have been unexceptional.

The following day the unit again changed position. Werner S. appointed nineteen-year-old private T. as his new orderly and had him set up a bivouac for the two of them. It was another cold night, and T. was planning to go to sleep with his greatcoat on. S. told him to remove it, which he did, and he lay down with his back to his lieutenant. Soon S. asked him to turn round, and when T. did so, S. pulled T. toward himself, kissing him. Sensing no resistance, he then unbuttoned T.'s trousers and grasped his penis. Still finding no objection, S. took T.'s hand and placed it on his own erection, allowing T. to masturbate him to the point of ejaculation.[63] The next morning, while T. was still sleeping, S. took him in his arms again and kissed him. Probably this kissing offended the other man most directly, since it was an unmistakable display of affection that overturned sex roles far more disturbingly than mutual masturbation, which could be dismissed as two men releasing their sexual tension in the absence of any women. At any rate, when S. asked T. to sleep with him the following night, T. refused, saying that he had had enough the previous night. S. admitted that maybe he had gone too far but added that perhaps he was not the only one to blame. In none of these incidents did Werner S. force his men to be intimate with him. S. was not a violent sex criminal.

All this happened within the space of ten days. Inevitably, the men in this small unit talked to one another about their officer. Corporal A. spoke to G. about his experience and then to T., and they all realized they had been kissed by their lieutenant. It suddenly became clear that the young lieutenant was experimenting with everyone who bunked with him. A. promptly reported the matter to the battery officer, and the whole business of a formal investigation ensued. Things moved very swiftly; within a mere fortnight the court-martial sentenced Werner S. to death.

Yet the story had an additional twist. While the interrogations of the men in his unit were proceeding, Werner S. asked T. if he had had to give the officers any details. When T. admitted that he had, S. declared he had only two courses of action remaining: he could shoot himself or find some other way out. The nature of the second solution became clearer when he asked another soldier how well the Americans treated German deserters.

[63]This must have been an unusual case for this military court, for the verdict could not quite manage to get the terminology correct. The record states that "the accused for his part did not carry out self-abuse [*Selbstbefriedigung*] on T." Feldurteil, October 7, 1944, NARA BDC SS-Gericht, Werner S.

This content downloaded from
132.174.250.143 on Wed, 12 Jan 2022 04:40:14 UTC
All use subject to https://about.jstor.org/terms

He had a similar conversation at battery headquarters, asking the sergeant major directly if he thought he should desert, since he had no intention of shooting himself. Soon thereafter he was placed under arrest.

Perhaps the most intriguing aspect of this case is that the death sentence was not given for Werner S.'s homosexual offenses but for his planned desertion (which of course was prompted by his fears about the severe punishment that homosexual offenders could expect). *Talking* about his plans with other soldiers was deemed to be an act of sabotage. Since S. was not a regular member of the SS or police, execution was not the prescribed penalty for homosexuality; such offenses merited five years in a penitentiary, according to the verdict. The court judged that S. was not a "real" homosexual and was merely guilty of an aberration, explainable by his youth and inexperience. That, the judges felt, coupled with his excellent military record, should be counted in his favor. Yet S. had not erred on only one occasion but had systematically made advances to virtually every soldier in his unit; if he had succeeded in "committing a punishable offense" with another soldier on merely two occasions, it was not for want of trying. This, too, is an interesting comment, because the court recognized only the masturbation as a punishable offense and not the kissing, despite the leeway allowed by the revised Paragraph 175, on which the court based its opinion. But if it was lenient in this interpretation, it was harsh in its terms of punishment: a single instance of masturbation merited three years in a penitentiary (and the two proven cases combined merited five) because they were aggravated by S.'s abuse of his authority over his subordinates. Even though there was no significant difference in age between S. and his men, the abuse of rank was a serious matter.

All this tortuous weighing of mitigating and aggravating circumstances surrounding the sexual offenses was purely academic, because there was never any intention to allow Werner S. to serve out his penitentiary sentence. The death sentence took precedence. There was, of course, an appeal, and Heinrich Himmler was the judge of last resort, because S. happened to belong to a Volksgrenadier division now under Himmler's command. In preparing a summary of the case for Himmler's decision at the end of October, the SS court itself did not push for a confirmation of the sentence. Its memo to Himmler stressed that S. was "very young and immature," that this was "doubtless" the first time that he had carried on like this, and that he only realized the seriousness of the offenses after the event. Indeed, it did not even count both instances of masturbation but reported that there were "serious indecent acts" on only one occasion. The SS officer preparing the memo apparently endorsed the court-martial's observation that the two soldiers had "quickly succumbed" to S.'s advances and that T. in particular "gave the impression of being not inexperienced in sexual matters." He also emphasized the fact that there had been no adverse effects to morale among the other soldiers and repeated the defense counsel's assertion that the talk

This content downloaded from
132.174.250.143 on Wed, 12 Jan 2022 04:40:14 UTC
All use subject to https://about.jstor.org/terms

of desertion only came up because the accused had had no opportunity to talk with superior officers about his situation.[64] It was several weeks before Himmler managed to attend to this matter, but on December 3, 1944, he rejected the appeal without comment. Even the SS judge on Himmler's staff sounded surprised in reporting this decision to the SS court's head office, finding it necessary to explain that Himmler did not view S. as "worthy of clemency—despite the extenuating factors about his person that doubtless speak in his favor." On February 9, 1945, at Trier, a few weeks before the city fell to the Allies, Werner S. was executed. He was twenty-two years old.[65]

COUNTEREXAMPLES TO CUMULATIVE RADICALIZATION

The three other cases of homosexual offenses in Germany that remain among the files of the SS court deserve a brief commentary. In June 1944 a sergeant in an SS anti-aircraft unit was apparently supervising some men in the Reich Labor Service. These would have been youths not of age for military service, probably engaged in bomb clearance or other manual labor. One of the youths brought charges that he had been forced to masturbate in front of Sergeant O. on the latter's explicit orders. O. was immediately suspended but not brought before the SS court. For reasons that are not entirely clear, SS-Standartenführer Bender, the chief judge of the SS court, wrote to the Reich Labor Leader, leaving it to him to have O. arrested. The probable explanation is that, since the accuser was not under the formal jurisdiction of the SS, the Labor Service was the responsible authority. Nonetheless, O. was a member of the Waffen-SS. Although there was no physical contact, the incident was still a serious abuse of rank by an NCO. The SS court gave the appearance of wanting to follow this up but waited for the outcome of the criminal proceedings in the regular courts. After a trial, a verdict was handed down on November 8, 1944, sentencing O. to two years in a penitentiary. Since no notification was sent to SS headquarters, Bender's office queried the Labor Service and learned the result of the trial only in late January 1945. A copy of the verdict was not included, and nothing further could be done without it, so the case was left hanging.[66]

The two other cases are more interesting because Himmler made a decision about both of them on the same day in February 1945. The first involved a first lieutenant of the Replacement Army (Ersatzheer), Hans-

[64]Vorlage für Himmler, "Offlzierssache, Todesurteil, Heeressache," October 24, 1944, ibid.

[65]Verfügung Himmler, December 3, 1944; SS-Richter beim RFSS to Hauptamt SS-Gericht, December 13, 1944; telegram Oberstabsrichter Dyckmans to Heeresfeldjustizabteilung OKH, March 3, 1945, ibid.

[66]Telex draft Bender to Reichsarbeitsführer, June 2, 1944; Reichsarbeitsführer to SS-Richter beim RFSS, January 15, 1945, ibid.; NARA BDC Hauptamt SS-Gericht Feldmeister O.

This content downloaded from
132.174.250.143 on Wed, 12 Jan 2022 04:40:14 UTC
All use subject to https://about.jstor.org/terms

Robert W. The exact nature of his offense is unknown, because the files that were forwarded to the police Central Office for Combating Homosexuality, with instructions to establish whether or not the accused was a genuine homosexual, were lost or destroyed at the end of the war. The remaining documentation suggests that only minor homosexual acts were committed on two separate occasions. This looks very much like another case of sexual frustration at the front lines. Hans-Robert W., also not a member of the SS or police, was sentenced by a military court to three years in a penitentiary on October 4, 1944. There is no indication that W. himself made an appeal against this sentence, but his family did send letters to Himmler personally. W.'s father took great exception to the court's assumption that his son was a "compulsive offender" (*Hangtäter*) and a "biological failure." Hans-Robert had proven, wrote his father, that he was the "bearer of top-quality genes" by producing four splendid children, and he sent along a photograph of the wife and children to emphasize his point. This was a smart move, whether the father knew it or not, given Himmler's predilection for making snap judgments about racial soundness based on physical appearance. The father's reminder that he had been a financial supporter of the SS since 1933 probably counted for less.[67] A second letter had even sounder credentials, coming from the father's brother-in-law, Walther Sonntag, a colonel. He assured Himmler that he totally agreed with the policy of delivering the harshest of punishments to compulsive homosexuals so that they could do no further harm, because they did indeed "represent a danger for their fellow men and fail to contribute to the procreation of racially valuable offspring." Of course, Hans-Robert was not one of those. He was a National Socialist, a farmer, a soldier, and, not least, a husband and father, wrote the colonel, as though that settled the matter. Furthermore, Sonntag insisted that Hans-Robert was a "man without the slightest hint of femininity." Sonntag could not imagine that anyone could be a "real" homosexual unless they acted effeminately.[68] Himmler granted a measure of clemency, despite the fact that the police antihomosexual office had apparently uncovered a third incident. He allowed Hans-Robert W. to "prove himself" through front-line military service.[69]

Wolfgang G., a sergeant of the Replacement Army, lacked powerful protectors. He himself wrote to Himmler from Spandau jail, and his wife wrote

[67]Rittmeister d. Res. a.D. Robert W. to Himmler, October 30, 1944, ibid.; Oberlt. d. Res. Landwirt Hans-Robert W., NARA BDC Hauptamt SS-Gericht, Hans-Robert W.

[68]Sonntag had worked in the SS-Oberabschnitt Northwest headquarters in 1934 and 1935 under Friedrich Jeckeln (one of the central actors in the Holocaust as a police chief in the occupied Soviet Union). Shamelessly dropping the names of other SS generals whom he knew, such as Hausser, Heißmeyer (Curt Wittje's successor at the SS head offlce), Hennicke, and the Freiherr von Eberstein, Sonntag could not resist mentioning that he was actually a cousin of SS Obergruppenführer Ulrich Greifelt (Himmler's deputy in the resettlement and Germanization program). Sonntag to Himmler, November 4, 1944, ibid.

[69]Forch to Bender, November 22, 1944; Wehser to Robert W., February 4, 1945, ibid.

This content downloaded from
132.174.250.143 on Wed, 12 Jan 2022 04:40:14 UTC
All use subject to https://about.jstor.org/terms

independently. Here was another case of things getting a little out of hand following one of those alcoholic, aptly named "comradeship evenings." Wolfgang, very much in his cups, had made sexual advances to a lance corporal, for which he was sentenced to two years in a penitentiary. He was forty-seven years old and had served in the First World War with distinction, been wounded, and been awarded the Iron Cross First Class. During the Second World War, G. had participated in both the French and the Russian campaigns. He had been a willing soldier and told Himmler he wanted to get back to active service. Never before had he done "this sort of thing"; on the contrary, he had been happily married for twelve years and had always viewed homosexual acts as "directly nauseating." His wife filled in further extenuating details: her husband had at the time been suffering from a concussion, and the party was held by a group of convalescent soldiers. No one had warned her husband of the dangerously heightened effect that alcohol might have on him. Husband and wife did not coordinate their requests but asked Himmler for two different things. G. asked to be transferred from the penitentiary to an ordinary prison, while his wife begged that he be allowed to atone for his misdeed at the front. Himmler chose the latter, with an important difference from the other case on which he ruled that day. Wolfgang G. was ordered to prove himself in the ranks of the Dirlewanger Brigade, composed largely of hardened criminals and concentration camp inmates. This was one of the main units that was employed in the destruction of the city of Warsaw in September 1944 and that subsequently fought in the most dangerous places of all on the front line. Assignment to the Dirlewanger Brigade was thus virtually a death sentence, though G. and his wife would not have known that, and doubtless Himmler felt he was being generous. There is no record if G. survived.[70]

If the theory of cumulative radicalization of Nazi policy toward homosexuals were correct, why would Himmler approve a death sentence in fall 1944 but not in the winter of 1945? The fact that none of these men was covered by the November 1941 decree, specifying the death sentence for SS and police members, is relevant but not crucial. After all, there was no regulation that permitted the SS deliberately to kill homosexuals in concentration camps, but it regularly happened. Since the cases described above were dealt with by the SS court, it would have been easy for Himmler to extend his prerogative over all the men serving under his command and modify the sentence as he saw fit. In 1943 he had moved swiftly to block further commutations of death sentences by the Göring Institute's Dr. Brustmann, whom he saw as too soft on homosexuals, and in December 1944 he was deaf to appeals to commute the death sentence of Werner S.

[70]Wolfgang G. to RFSS, November 22, 1944; Franka G. to RFSS, December 19, 1945; Wehser to Frau Franka G., February 4, 1945, NARA BDC Hauptamt SS-Gericht, Wolfgang G.

This content downloaded from
132.174.250.143 on Wed, 12 Jan 2022 04:40:14 UTC
All use subject to https://about.jstor.org/terms

Was Himmler simply inconsistent here? It certainly looks like that, but let us look at the context a little more closely. In 1944, Himmler was the second most powerful man in Germany. Following the failed July Plot to kill Hitler, he added to his already enormous SS and police empire by accepting the command of the Replacement Army. We know that he entertained doubts about Hitler's ability to win the war and by October was making secret overtures to the British for an alliance against the Soviet Union. Himmler was by this stage so divorced from reality that he saw himself as the future chancellor of Germany. When he confirmed the death sentence for Werner S. on December 3, he knew about the planned Ardennes Offensive, which would commence two weeks later. That might turn the tide and lead to a victory for Germany after all, in which case he could go ahead with plans to create a racially pure state in which there was no room for homosexuals. Of course, at this particular moment there was no room for deserters, either. It is probable that this military necessity swayed Himmler to set an example by having Werner S. executed.

What had changed between December 1944 and February 1945, when Himmler ruled on the other two cases? On January 26, 1945, the SS blew up the last remaining crematorium at Auschwitz-Birkenau, and the following day Soviet troops liberated the death camp. While the outcome of the war was by now certain, Hitler was still making desperate attempts to salvage the situation. On January 25, 1945, he appointed Himmler as commander of Army Group Vistula (Heeresgruppe Weichsel), whose mission was to block the Soviet advance into Pomerania. As an active military commander Himmler proved to be a disaster, a fact that became abundantly clear within a couple of weeks. But during that short space of time, Himmler, always happy to wear several hats at once, took time out to rule on the two cases that were pending at the SS court. The timing explains his decision to send the two men to the front: they would be part of his effort to become a brilliant general. Himmler needed men who would give their all in order to redeem their good names. In both cases, using the same phraseology, he warned that only "iron fulfillment of duty and total engagement" would win their redemption.[71]

Conclusion

If Himmler himself was now fully focused on the war effort, the same cannot be said for his police antihomosexual office. The prurient thoroughness of their investigations up to the final weeks of the war in an evident attempt to uphold the death penalty for essentially trivial, minor sexual assaults provides a sharp reminder of how serious this issue remained for some Nazi officials.

[71]Wehser to Robert W., February 4, 1945; Wehser to Frau Franka G., February 4, 1945, NARA BDC Hauptamt SS-Gericht, Hans-Robert W. and Wolfgang G.

This content downloaded from
132.174.250.143 on Wed, 12 Jan 2022 04:40:14 UTC
All use subject to https://about.jstor.org/terms

The central office for combating homosexuality continued business as usual, even when the country was collapsing. Devoting every possible resource to the final defense of Berlin seemed less pressing to the criminal police than establishing whether an SS man of proven courage had masturbated twelve years earlier with other adolescent boys at school. This surely gives the lie to the claim that the persecution of homosexuals was driven principally by rational concerns.[72] Admittedly, the circumstances of spring 1945 were unusual, and we may interpret the everyday activity of the police antihomosexual office as a desperate attempt to cling to some form of warped normality in the face of the imminent total collapse of the Reich.

This brings us back to the situation in the nineteenth century, less drastic to be sure, when the debate about sexual normality took shape. Then, too, the world seemed to some middle-class Germans to be collapsing. The cause was not war but the shifting social boundaries and cultural values of the time, exacerbated by the rise of Socialism. Out of the hopes that change was indeed possible grew a greater (or certainly more assertive) role for women in public life. These shifting gender roles in a previously male-dominated society led to the formation of new definitions of respectability and sexual normality in an effort to shore up traditional family life.[73] Beginning in the 1880s, a whole host of associations sprang up to quash sexual deviancy, aimed notably at curbing prostitution. But as John Fout puts it, "The moral purity movement reflected considerable gender and sexual anxiety; and the fear of homosexuality was rampant in that society as a whole—homophobia was the norm."[74] We must not think that an almost hysterical opposition to homosexuality was peculiar to the Nazi era. It is common enough in other conservative regimes, where "sexual variants and fluid sexual differences disturb a homogeneity that forms the image of society, and guarantees authoritarianism in government and the economy." In the words of Taeger and Lautmann, "Politics and sexuality perhaps never stood in such an intimate interrelationship."[75]

[72]Stümke, 92–95. See also Michael Burleigh's assessment that "the primary reason for the assault on homosexuals was because the latter were self-evidently failing in their duty to contribute to the demographic expansion of the 'Aryan-Germanic race,' at a time when millions of young men had perished in the First World War" (*Ethics and Extermination: Reflections on Nazi Genocide* [Cambridge, 1997], 162).

[73]George Mosse's study of this topic is exemplary. See George L. Mosse, *Nationalism and Sexuality: Respectability and Abnormal Sexuality in Modern Europe* (New York: Howard Fertig, 1985).

[74]John C. Fout, "Sexual Politics in Wilhelmine Germany: The Male Gender Crisis, Moral Purity, and Homophobia," in *Forbidden History: The State, Society, and the Regulation of Sexuality in Modern Europe: Essays from the Journal of the History of Sexuality*, ed. John C. Fout (Chicago, 1992), 259–92, quote from 290.

[75]Angela Taeger and Rüdiger Lautmann, "Sittlichkeit und Politik: §175 im Deutschen Kaiserreich (1871–1919)," in *Männerliebe im alten Deutschland: Sozialgeschichtliche Abhandlungen*, ed. Rüdiger Lautmann and Angela Taeger, Sozialwissenschaftliche Studien zur Homosexualität (Berlin, 1992), 239–68, quote from 268.

This content downloaded from
132.174.250.143 on Wed, 12 Jan 2022 04:40:14 UTC
All use subject to https://about.jstor.org/terms

Yet those pre–World War One upheavals were small compared to the gendered battleground of the 1920s, when women obtained the vote for the first time and homosexuals felt confident enough to be more open in public than ever before. Indeed, Berlin became the homosexual capital of Europe. The German right wing raged against such developments, and the Nazi Party depended upon their support to consolidate power, even after Hitler's appointment as chancellor in January 1933. The immediate bans on obscene literature, on nudist clubs, and on gay bars were in part gestures toward the conservative Right. But these were more than political moves. In this respect I disagree with Ian Kershaw's assessment that the Röhm Purge simply reflected the opportunism of the SS in a bid to expand its power.[76] Himmler was not just acting cynically here; he, as well as Hitler and many Nazis, genuinely wanted to be thought of as respectable, hence their delight when influential parts of the foreign press, such as the *Times* of London, interpreted the purge as a return to civility. As Detlev Peukert has noted for the Third Reich generally: "Majority public approval was certainly accorded to the terror which the National Socialists directed at . . . homosexuals."[77]

If the Nazi movement in general aspired to be respectable, the SS, as its elite arm, especially sought to be respected. Despite monumental violations of basic humanity against the victims of the Holocaust and others, the SS enjoyed some success in this regard. But even within the confines of traditional bourgeois ideals, the Black Corps remained as "flawed" as any cross-section of society. Homosexuals stood within SS ranks as much as outside them. Like the majority of men in German or any other society, most SS men had little taste for homosexual adventures, and same-sex sexuality was not particularly prevalent.[78] That made the excessively homophobic response toward homosexual infractions all the more irrational.

Beyond a doubt, Nazi ideology and policies were hostile to homosexuality. Still, the record reveals a much more complex set of responses to homosexuality than the inflammatory rhetoric of Nazi leaders would indicate. Implementation of policies against homosexuals was neither consistent nor unfailingly rigorous. Several factors account for varying degrees of severity of punishment, including an uncertainty about the etiology of homosexuality—whether it was "curable" or not and whether it was brought on by the

[76]During his remarks at the United States Holocaust Memorial Museum during "An Evening with Ian Kershaw," January 11, 2001, subsequently also broadcast on C-SPAN.

[77]Peukert, 219.

[78]Thomas Nipperdey's comment on the pre-Nazi Youth Movement seems apposite here: "It is clear that in the Youth Movement, initially an organization purely for boys, male bonding [*männerbündische*], homoerotic tendencies found their expression; nudity, for example, was a 'temple of manliness.' . . . Yet the ideal of the community of comradeship and friendship, and the mechanisms of neutralization, kept such sexual tendencies sufficiently in check; beyond literary reflection, they did not in actuality play a large role" (*Deutsche Geschichte 1866–1918*, vol. 1: *Arbeitswelt und Bürgergeist* [Munich, 1990], 112).

This content downloaded from
132.174.250.143 on Wed, 12 Jan 2022 04:40:14 UTC
All use subject to https://about.jstor.org/terms

lack of other forms of sexual release. Fear that an all-out attack on homosexuality might bring greater recognition that there were homosexuals throughout Germany, including within the SS and police, also subverted the open promulgation of antihomosexual measures. Furthermore, countervailing pressures sometimes mitigated the full penalty demanded by the law; it seemed more difficult to apply the harshest measures against men who had fought valiantly for their country or who could mobilize family connections. Even Himmler, the most homophobic of the Nazi leaders, could sometimes be swayed by a carefully worded appeal from family members or military superiors of accused homosexuals. Finally, the successful waging of the war took priority over a consistent application of the laws aimed at homosexuals. For all of these reasons, Nazi enforcement of measures against homosexuality did not become a holocaust.

While not a holocaust, Nazi treatment of homosexuals was horrific, and it might have become even more so if the Nazis had been more successful in World War II and not had to compromise their ideology on this matter. Homophobia unquestionably lay embedded among the German public in 1933. The embers needed to be fanned, and the agent of that escalation was not Hitler, who considered the topic only occasionally. Rather, it was the head of the German police, Heinrich Himmler, who by his consistently harsh official pronouncements on the subject kept reinforcing the perception that the death of a homosexual was no great loss for Germany. Although he did commute some death sentences in 1945, it is virtually certain that his support for clemency would have evaporated following a German victory in World War II. Although a reliable definition of a homosexual would prove infinitely more elusive than the definition of a Jew, especially in light of the mystifying incidence of homosexuality in the racially elite SS, in victory the temptation to turn to a sweeping "final solution" for homosexuals would grow all the stronger. At that point, attitudes that already allowed minor homosexual assaults to be treated as a capital offense could be expanded seamlessly into a decisive radicalization of judicial and penal practice. Appeals would fall on deaf ears.

This content downloaded from
132.174.250.143 on Wed, 12 Jan 2022 04:40:14 UTC
All use subject to https://about.jstor.org/terms